

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:22-cr-00069-MR-WCM-2**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) **O R D E R**
)
TINA JANE HILL,)
)
Defendant.)
)

THIS MATTER is before the Court on the Defendant's Motion to Suppress [Doc. 108; the Magistrate Judge's Memorandum and Recommendation regarding this motion [Doc. 114]; an Order related thereto [Doc. 113]; and the Defendant's Objection to the Magistrate Judge's Memorandum and Recommendation [Doc. 116].

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable W. Carleton Metcalf, United States Magistrate Judge, was designated to consider the Defendant's motion to suppress and to submit recommendations for its disposition.

On February 6, 2024, the Magistrate Judge entered a Memorandum and Recommendation containing proposed findings of fact and conclusions of law in support of a recommendation denying the Defendant's motion as

untimely. [Doc. 114]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. [Id.]. The Defendant filed an Objection on February 15, 2024. [Doc. 116]. The Government filed a Response to the Defendant's Objection on February 16, 2024. [Doc. 117].

In her Objection, the Defendant largely restates her earlier arguments made to the Magistrate Judge in her Motion to Accept Motion to Suppress Out of Time [Doc. 107]. The Defendant also makes a new argument in support of her request to accept her untimely motion. Specifically, she asserts that the Government recently produced "close to 4000 additional pages of Discovery," thereby implying that this provided good cause for the late filing of the Motion to Suppress. [See Doc. 116 at 2]. The Government represents that this newly produced discovery consists of cell phone records from three phone numbers associated with the Defendant and her co-defendant, Keith Ryan Noles, and have no relevance to the subject matter of the denied suppression motion, i.e., the execution of a search warrant for 444 Lower Vengeance Road on October 16, 2020. The Government's latest discovery production therefore does not provide good cause for the Defendant to file an untimely motion on an unrelated issue.

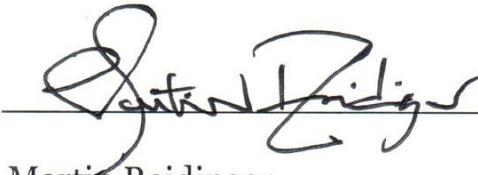
Upon conducting a *de novo* review of the Memoranda and Recommendation, the Court finds that the Magistrate Judge's proposed findings of fact are correct and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby overrules the Defendant's Objection and accepts the Magistrate Judge's recommendation that the Defendant's Motion to Suppress as untimely.

IT IS, THEREFORE, ORDERED that:

- (1) The Defendant's Objection to the Magistrate Judge's Memorandum and Recommendation [Doc. 116] is **OVERRULED**;
- (2) The Magistrate Judge's Memorandum and Recommendation [Doc. 114] is **ACCEPTED**; and
- (3) The Defendant's Motion to Suppress [Doc. 108] is **DENIED**.

IT IS SO ORDERED.

Signed: February 20, 2024



Martin Reidinger
Chief United States District Judge

